



# National Association of State Telecommunications Directors

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November 22, 1993

The Honorable James H. Quello  
Acting Chairman  
Federal Communications Commission  
1818 M Street, NW  
Washington, DC 20554

*Vice President*

**WILLIAM M. MILLER (NE)**  
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EX PARTE PRESENTATION In PR Docket No. 92-235

Dear Chairman Quello:

*Secretary/Treasurer*

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On behalf of the National Association of State Telecommunications Directors ("NASTD"), I respectfully request that the commission adopt rules in the above-referenced proceeding that address the concerns of state and local governments in the continued provisioning of public safety communications services.

There is a fundamental public interest in the adequate delivery of such services. At the same time, the financial resources of state and local agencies are severely limited. Therefore, the Commission must adopt frequency allocation rules and provide for phased-in implementation schedules that strike an appropriate balance between essential public safety interests and the public's need for efficient utilization of the electromagnetic spectrum.

NASTD is the national association of government executives who manage state telecommunications networks. NASTD members administer communications facilities and systems used by a vast array of state entities, including hospitals, law enforcement agencies, prisons, universities and a multitude of other state agencies. NASTD members have significant responsibilities in the budget and appropriation processes affecting the telecommunications systems and networks which they administer. Because of these responsibilities, NASTD members have a direct interest in the Commission's proposals relating to the use of frequencies in the bands below 512 MHz.

NASTD commends the Commission's effort to "refarm" the spectrum below 512 MHz as proposed in PR Docket No. 92-235 and enthusiastically supports the goal of promoting efficient use of the spectrum resource allocated to the private land mobile community. In certain aspects, however, NASTD is concerned with the manner in which the Commission has proposed to achieve that goal. Specific areas of concern include implementation costs and interoperability of equipment.

The current communications infrastructure operated by state and local government agencies must be afforded a reasonable period to phase in new land mobile radio technologies as they are needed and as the funds for their implementation become available. New rules must provide for a gradual migration path to allow agencies sufficient time to fully amortize existing equipment. A wholesale and promotions changeout of equipment would place heavy demands on state budgets and may unnecessarily cripple both public safety and other important services. In addition, the rules must recognize that implementation of new spectrally-efficient technologies will be of limited value in rural areas of the country and is not needed near term.



SECRETARIAT: The Council of State Governments

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The concerns expressed in this letter reflect those embodied in a recently adopted NASTD resolution concerning the proposals in PR Docket No. 92-235. A copy of that resolution is enclosed for your review. On behalf of all NASTD members, I respectfully request that the Commission give these principles every favorable consideration.

Sincerely,

A handwritten signature in cursive script that reads "Ray Penrod". The signature is written in black ink and is positioned above the printed name and title.

Ray Penrod  
President, NASTD

Enclosure: NASTD Resolution on Public Safety Spectrum Reallocation

cc: Commissioner Andrew C. Barrett  
Commissioner Ervin S. Duggan  
William F. Caton, Acting Secretary  
Ralph A. Haller, Chief, Private Radio Bureau  
Doron Fertig, Private Radio Bureau

## National Association of State Telecommunications Directors

16th Annual Conference and Trade Show  
Septemeber 5 - 9, 1993  
San Antonio, Texas

### RESOLUTION

Whereas, state and local governments in the United States have invested substantial, limited dollars to deploy land mobile radio systems for public safety purposes utilizing frequencies below 512 MHz,

Whereas, the FCC has proposed rule changes which effect the management of frequencies below 512 MHz in order to improve spectrum management and which attempt to take advantage of new land mobile radio technologies in the future,

Whereas, the proposed FCC rules would cause significant new investments to be made prematurely by state and local public safety agencies to comply,

Whereas, implementation of the proposed FCC rules by most rural public safety local and state agencies will have no positive limited effect on those systems over the current technologies,

Whereas, implementation of the proposed changes will create serious interoperability problems between federal, state and local government agencies,

Whereas, state and local governments are severely limited in financial resources, now therefore,

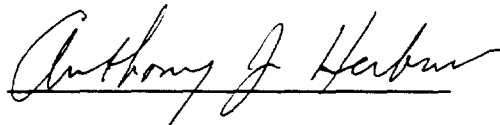
Be It Resolved that the National Association of State Telecommunications Directors:

- (1) Concurs with and is supportive of improved spectrum management on a national basis;
- (2) Requests the FCC modify its rules to recognize the limited funding for state and local government agencies;
- (3) Requests the FCC modify its rules to recognize the limited value to rural areas if the proposed rule changes are implemented;
- (4) Requests the FCC modify its rules to allow public safety agencies to convert to the new standards in two phases, with the first phase being completed by 2002 and the second phase by 2012; and
- (5) Requests the FCC modify its rules so the NSPAC Regional Planning Committees could establish communications plans within their region that best meets the operational and economic needs of the region.

Approved this 6th day of September 1993  
by the members at the  
NASTD 16th Annual Conference and Trade Show  
San Antonio, Texas



Ray Penrod  
President



Anthony Herbert  
Secretary/Treasurer